

**HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE  
AND  
HON'BLE SHRI G.V.SEETHAPATHY**

-  
**W.A.No.1233 of 2006**

Between

Dhiraj M.Patel

-  
..Appellant

AND

Canara Bank, Kukatpally branch, represented by its Manager ..Respondent

-

**:: JUDGMENT ::**

Counsel for the appellant

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Sri M.Subrahmanyam for  
Smt.A.Padma

Counsel for respondent

Sri Deepak Bhattacharjee

**7.12.2006**

**Per G.S.Singhvi, CJ**

This appeal is directed against order dated 9.11.2006 passed

by the learned Single Judge whereby he vacated interim order dated 1.8.2006 on the ground that the writ petition was not properly constituted.

A perusal of the relief clause contained in the writ petition filed by the appellant shows that the same was essentially directed against Andhra Pradesh Housing Board (for short 'the Board'). However, for the reasons best known to him, the petitioner did not implead the Board as party to the petition. Therefore, the learned Single Judge was left with no choice, but to vacate the ad-interim order and we do not see any reason to disagree with him.

With the above observation, the appeal is dismissed. Needless to say that the appellant shall be entitled to file fresh application for interim relief after making necessary amendment in the writ petition.

As a sequel to dismissal of the appeal, W.A.M.P.No.2556 of 2006 filed by the appellant for interim relief is also dismissed.

**G.S.SINGHVI, CJ**

**G.V.SEETHAPATHY.J.**

7.12.2006

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